



UNITED STATES PATENT and TRADEMARK OFFICE

20 JUL 2007

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Robert D. Buyan
Stout, Uxa, Buyan & Mullins LLP
4 Venture, Suite 300
Irvine, CA 92618

In re Application of	:	DECISION ON
Civelli et al	:	
Application No.: 10/593,941	:	
PCT No.: PCT/US05/009527	:	
Int. Filing Date: 23 March 2005	:	PETITION UNDER
Priority Date: 23 March 2004	:	
Attorney's Docket No.: UCIVN-068	:	
For: Melanin-Concentrating Hormone Receptor	:	
Antagonists and Methods of Use	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of Application For Patent Unintentionally Abandoned Under 37 CFR 1.137(b)," filed on 25 June 2007.

BACKGROUND

On 23 March 2005, this international application was filed, claiming an earliest priority date of 23 March 2004.

On 22 September 2006, applicants filed the Transmittal letter for entry into the national stage in the United States. However, the basic national fee was not provided at such time.

On 20 April 2007, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant failed to provide the full U.S. Basic National Fee by 30 months.

On 25 June 2007, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, an executed declaration and the petition fee for revival of an unintentionally abandoned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a

grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.


Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459